

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

2.40 HAZARDS FOUND DURING SUPERVISORY SPOT CHECKS OR TRAINING ACTIVITIES

Date: September 2, 2002

I. Background

Spot checks are one means of quality control that can be used by a WISHA supervisor in checking the ability and performance of an inspector or consultant. As such, they do not themselves represent an inspection (or a consultation) and, indeed, they need not be limited simply to a review of the hazard assessment itself.

Training of WISHA staff also often relies upon site visits outside the context of an inspection or consultation. In such cases, either the trainers or those receiving the training may also identify hazards.

Because the normal inspection or consultation processes do not apply, this policy provides guidance to ensure the correction of any serious hazards identified during the spot check or training visits. WISHA Interim Operations Memorandum #96-2-L provided guidance on spot checks, but it did not address similar situations that can occur during training site visits or other activities outside the scope of the normal duties of an inspector or consultant.

II. Scope

This policy provides guidance to WISHA staff regarding the identification and correction of serious violations encountered outside normal enforcement and consultation activities. It replaces WISHA Interim Operations Memorandum #96-2-L, issued February 26, 1996, and will remain in effect indefinitely.

III. Application Guidance

How are supervisors and others expected to handle apparent serious violations found outside the context of an inspection or consultation?

No employer may be cited as the result of a supervisory spot check of an inspector's previous inspection, or as the result of opening his or her place of business up to WISHA for training purposes. If a WISHA violation was not identified as part of the original inspection, the subsequent spot check (not in itself an inspection) will not be considered sufficient to issue a citation. In the same way, training visits will not provide the basis for a citation.

Employers shall be notified of any WISHA violations identified during a training visit, as well as those identified during a spot check but not during the inspection itself.

Employers shall be told that any serious WISHA violations must be corrected and shall be subject to appropriate follow-up; if it is determined appropriate by the CSHO supervisor or person responsible for the training, a follow-up inspection may be assigned and scheduled using normal inspection procedures. Under no circumstances shall such a follow-up inspection be scheduled until after the employer has had sufficient time to abate any hazards identified during the spot check.

The above guidance applies only to spot-checks and other non-inspection activities. It does not apply to follow-up inspections conducted in accordance with the WISHA Compliance Manual, even if supervisors or other inspectors conduct such inspections, and even if such inspections are used in part to evaluate the hazard recognition and abatement capabilities of the original inspector.

Approved: _____

Michael Wood

Senior Program Manager, WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).